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June 30, 2008

VIA ECF

Honorable Richard J. Holwell
U.S. District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

USDC SDNY
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Re: Thelma Felipe v. Target Corporation and
Kingsbridge Associates, LLC
Civil Action No.: 08 CIV 4317(JH) (MP)
J. Holwell
M. Pitman
Our File No.: TAR 5558

Dear Honorable Judge Holwell:

As your Honor is aware, this office represents defendant Target Corporation in regards to the above-referenced matter.

I respectfully submit this correspondence in regards to plaintiff's Reply Affirmation and Memorandum of Law. In said documents, plaintiff asserts an argument which was not previously raised in her motion to remand. In particular, plaintiff alleges, for the first time, that the alleged principal place of business of a non-party would destroy diversity in this matter, if the Complaint is amended to include said party as a defendant. It is respectfully submitted that the Court should not consider plaintiff's new argument "as

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arguments cannot be made for the first time in reply papers".
See Knipe v. Skinner, 999 F.2d 708, 26 Fed.R.Serv. 3d 441 (2d
Cir., 1993).

In the alternative, it is respectfully requested that
defendant Target Corporation be permitted to submit a sur-reply
in order to address plaintiff's new and erroneous argument.
Plaintiff has incorrectly asserted that the company retained by
Target, Prestige Maintenance USA, is a New York Corporation when
it is a company with its principal place of business in Texas.
Attached herein is a copy of the Service Agreement between
Target and Prestige Maintenance USA for the court's
consideration. Target believes that a sur reply would assist
the Court in determining the present motion and plaintiff's
newest argument.

Thank you for the opportunity to address the court in
connection with this matter.

Very truly yours,

/s/Marvin N. Romero

Marvin N. Romero

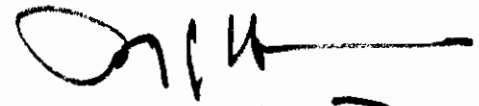
Attachment

MNR:

crt ltr 02-request sur reply-ecf

Defendant may file
a sur-reply by 7/16/08

SO ORDERED


RJH
7/16/08